

Applic. No. 10/799,098  
Amdt. dated April 30, 2007  
Reply to Office action of December 29, 2006

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-16 remain in the application. Claims 1, 2, 6, and 16 have been amended.

In item 1 on page 2 of the above-identified Office action, the Examiner stated that the IDS filed 3/12/2004 fails to comply with 37 CFR 1.98 (a)(3) because it does not include a statement of relevance for DT 24 58 058 A1.

Attached to the response is a supplemental IDS with an English language statement of relevance for the DT 24 58 058 A1 reference. Accordingly, the Examiner is requested to consider the reference.

In item 2 on page 2 of the above-identified Office action, claims 2, 7, and 8 have been rejected as being indefinite under 35 U.S.C. § 112.

The Examiner alleges that in claim 2 it is unclear what is meant by "a rear position". Claim 2 has been amended so as to

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facilitate prosecution of the application. Therefore, the rejection has been overcome.

The Examiner alleges that in claim 7 it is unclear where the front edge alignment device is located. Applicants respectfully disagree with the Examiner. More specifically, claim 7 recites that the front edge alignment device 27 (Figs. 2 and 3) is disposed at a distance 1 from the lifting device 32. Accordingly, the disposition of the front edge alignment device is given with respect to the lifting device. The claim may be broad, however it is not indefinite. Therefore, it is respectfully noted that the Examiner's allegation is not accurate. Accordingly, claim 7 has not been amended to overcome the rejection.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

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In item 3 on page 3 of the Office action, claims 1-3, 6, 7, 9-12, and 14-16 have been rejected as being fully anticipated by Hahn et al. (U.S. Patent No. 2005/0035537 A1) (hereinafter "Hahn") under 35 U.S.C. § 102.

It is noted that the Hahn reference claims priority of German application (DE 101 46 919.5).

Applicant respectfully notes that Hahn has a publication date of May 15, 2003. See 35 U.S.C. § 102(e). As set forth in the Declaration of record, the instant application claims international priority of the German Application No. 103 10 687.4, filed March 12, 2003, under 35 U.S.C. § 119. Pursuant to 35 U.S.C. §§ 119, applicant is entitled to the priority date of the German application. See MPEP §§ 201.13. Thus, the instant application predates Hahn by more than two months. Because Hahn was published after the priority date of the instant application, applicant respectfully notes that Hahn is unavailable as prior art.

Applicant acknowledges that perfection of priority can only be obtained by filing a certified English translation of the German priority application. See 35 U.S.C. § 119. Applicant filed a Claim for Priority including a certified copy of German application 103 10 687.4 on March 12, 2004. Concurrent

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herewith, applicant is filing a certified English translation of same. Accordingly, applicant respectfully believes that priority has been perfected and Hahn is unavailable as prior art. Therefore, applicant respectfully submits that the Section 102 rejection on page 2 of the Office action is now moot.

In item 4 on page 5 of the Office action, claims 1, 6-7, and 9-16 have been rejected as being fully anticipated by Shimizu (U.S. Patent No. 3,836,139) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found Figs. 2 and 3 and on page 8, lines 3-10 of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

generating an overlapping stream of sheets guided over a table in a sheet transport direction, and reducing an adhesion force

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between two sheets following one another in the overlapping stream by lifting a sheet trailing edge of a first sheet.

The Shimizu reference discloses a paper feeding apparatus for use in printing machine. The apparatus has a sheet stack (4). The uppermost sheet is removed from the stack (4) by a sucker (30). A blower (40, 41) blows air underneath the top sheet (b) of a sheet stream, while the sheet is above the stack. Shimizu does not disclose anything beyond the construction of the feeder stack (8) of the instant application (Fig. 1, reference numbers 19, 21, 22, and 23).

The reference does not show generating an overlapping stream of sheets guided over a table in a sheet transport direction, and reducing an adhesion force between two sheets following one another in the overlapping stream by lifting a sheet trailing edge of a first sheet, as recited in claim 1 of the instant application. Shimizu discloses a sheet stack that has a sucker for removing the topmost sheet and a blower that blows air underneath the sheet. Shimizu does not disclose an overlapping stream of sheets guided over a table in a sheet transport direction, and reducing an adhesion force between two sheets following one another in the overlapping stream by lifting a sheet trailing edge of a first sheet. This is contrary to the invention of the instant application as

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claimed, which recites an overlapping stream of sheets guided over a table in a sheet transport direction, and reducing an adhesion force between two sheets following one another in the overlapping stream by lifting a sheet trailing edge of a first sheet.

Claims 6 and 16 call for, *inter alia*:

the lifting device disposed above the first sheet of the overlapping stream, the lifting device being an air jet aimed in a sheet transport direction substantially tangentially over the first sheet of the overlapping stream.

The reference does not show the lifting device disposed above the first sheet of the overlapping stream, the lifting device being an air jet aimed in a sheet transport direction substantially tangentially over the first sheet of the overlapping stream, as recited in claims 6 and 16 of the instant application. Shimizu discloses a sheet stack that has a sucker for removing the topmost sheet and a blower that blows air underneath the sheet. Shimizu does not disclose a lifting device being an air jet aimed in a sheet transport direction substantially tangentially over the first sheet of the overlapping stream. This is contrary to the invention of the instant application as claimed, which recites that the

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lifting device is disposed above the first sheet of the overlapping stream, the lifting device is an air jet aimed in a sheet transport direction substantially tangentially over the first sheet of the overlapping stream.

Since claim 6 is believed to be allowable over Shimizu, dependent claims 7, and 9-15 are believed to be allowable over Shimizu as well.

In item 5 on pages 7-8 of the Office action, claim 4 has been rejected as being obvious over Hahn (U.S. Patent No. 2005/0035537 A1) in view of Jeschke (U.S. Patent No. 4,886,261) under 35 U.S.C. § 103. As noted above, the Hahn reference is not available as prior art. Since claim 1 is allowable, dependent claim 4 is allowable as well.

In item 6 on page 8 of the Office action, claim 5 has been rejected as being obvious over Hahn (U.S. Patent No. 2005/0035537 A1) in view of Jeschke (U.S. Patent No. 4,886,261) under 35 U.S.C. § 103. As noted above, the Hahn reference is not available as prior art. Since claim 1 is allowable, dependent claim 5 is allowable as well.

In item 7 on page 9 of the Office action, claim 8 has been rejected as being obvious over Hahn (U.S. Patent No.

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2005/0035537 A1) in view of Lindstrom et al. (U.S. Patent No. 5,234,207) (hereinafter "Lindstrom") under 35 U.S.C. § 103. As noted above, the Hahn reference is not available as prior art. Since claim 6 is allowable, dependent claim 8 is allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 6, or 16. Claims 1, 6, and 16 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 6, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-16 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section

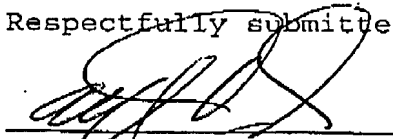


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1.136(a) in the amount of \$120 in accordance with Section 1.17  
is enclosed herewith.

Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner  
Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

  
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For Applicant(s)

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April 30, 2007

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APR 30 2007


Docket #: A-3930

CERTIFICATION

I, the below named translator, hereby declare that: my name and post office address are as stated below; that I am knowledgeable in the English and German languages, and that I believe that the attached text is a true and complete translation of the German Patent Application #103 10 687.4, filed with the German Patent Office on March 12, 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Hollywood, Florida

  
Barbara Hoss

April 30, 2007

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